

SENATE BILL 362

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2003 Regular Session  
3r1962  
CF HB 89

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By: **Senators Mooney and Brinkley**  
Introduced and read first time: January 31, 2003  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Electric Generating Stations - Zoning Restrictions**

3 FOR the purpose of creating in Frederick County an exception to the preemption of  
4 local zoning laws regarding the construction and operation of electric generating  
5 stations; authorizing in Frederick County certain property to be operated for  
6 electric generating and associated on-site transmission purposes only if the use  
7 complies with all local zoning rules, regulations, laws, and ordinances; requiring  
8 that, before a person constructs a generating station in Frederick County, the  
9 proposed construction comply with all applicable local zoning and subdivision  
10 rules and regulations; and generally relating to zoning for electric generating  
11 stations in Frederick County.

12 BY repealing and reenacting, with amendments,  
13 Article - Natural Resources  
14 Section 3-306.1  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Public Utility Companies  
19 Section 7-207(b)(1)  
20 Annotated Code of Maryland  
21 (1998 Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Natural Resources**

25 3-306.1.

26 (A) In view of the safeguards provided by this subtitle through State units,  
27 and to assure the controlling effect of their determinations, EXCEPT AS PROVIDED IN  
28 SUBSECTION (B) OF THIS SECTION, any property certified as a suitable site by the

1 Secretary of Natural Resources and placed in inventory as provided in this subtitle or  
2 any sites acquired and placed in inventory as provided in this subtitle shall be used  
3 and operated for electric generating and associated on-site transmission purposes  
4 without regard to any local zoning rule, regulation, law, or ordinance, and this use is  
5 not required to be submitted to or approved by any county or municipal zoning board,  
6 authority, or unit.

7 (B) IN FREDERICK COUNTY, A PROPERTY CERTIFIED AS A SUITABLE SITE BY  
8 THE SECRETARY UNDER THIS SUBTITLE AND PLACED IN INVENTORY OR A SITE  
9 ACQUIRED AND PLACED IN INVENTORY UNDER THIS SUBTITLE MAY BE OPERATED  
10 FOR ELECTRIC GENERATING AND ASSOCIATED ON-SITE TRANSMISSION PURPOSES  
11 ONLY IF THE USE COMPLIES WITH ALL LOCAL ZONING RULES, REGULATIONS, LAWS,  
12 AND ORDINANCES.

13 **Article - Public Utility Companies**

14 7-207.

15 (b) (1) (i) [Unless] EXCEPT AS PROVIDED IN ITEM (II) OF THIS  
16 PARAGRAPH, UNLESS a certificate of public convenience and necessity for the  
17 construction is first obtained from the Commission, a person may not begin  
18 construction in the State of a generating station.

19 (II) IN FREDERICK COUNTY, A PERSON MAY NOT CONSTRUCT A  
20 GENERATING STATION UNLESS:

21 1. THE PERSON FIRST OBTAINS A CERTIFICATE OF PUBLIC  
22 CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION FROM THE COMMISSION;  
23 AND

24 2. THE CONSTRUCTION COMPLIES WITH ALL APPLICABLE  
25 LOCAL ZONING AND SUBDIVISION RULES AND REGULATIONS.

26 [(ii)] (III) If a person obtains Commission approval for construction  
27 under § 7-207.1 of this subtitle, the Commission shall exempt a person from the  
28 requirement to obtain a certificate of public convenience and necessity under this  
29 section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2003.